

STATE OF MICHIGAN
COURT OF APPEALS

RACHELLE ANN BACHRAN,

Plaintiff-Appellee,

v

LANCE WILLIAM BACHRAN,

Defendant-Appellant.

UNPUBLISHED

December 16, 2003

No. 226937

Houghton Circuit Court

LC No. 96-009565-DM

AFTER REMAND

Before: Holbrook, Jr., P.J., and Cavanagh and Meter, JJ.

MEMORANDUM.

Following remand to the trial court for reconsideration of the issue whether the distribution of defendant's military pension was fair and equitable in light of *Sparks v Sparks*, 440 Mich 141, 158-160; 485 NW2d 893 (1992) and the value of defendant's pension, the trial court affirmed its award of "one-third of Defendant's military retirement pay at the time of his retirement." See *Bachran v Bachran (On Remand)*, unpublished per curiam opinion of the Court of Appeals, issued February 28, 2003 (Docket No. 226937). We affirm.

On remand the trial court considered each of the *Sparks* factors and explained in detail its findings with regard to each relevant factor. Based on our review of the lower court record, we cannot conclude that these findings were clearly erroneous. See *Sparks, supra* at 151-152. We agree that several of the *Sparks* factors weighed in favor of awarding plaintiff a larger than equal share of defendant's military pension. Contrary to defendant's arguments on appeal, we give substantial deference to the trial court's decisions regarding conflicting evidence and weight accorded to such evidence, as well as its witness credibility determinations. See *Bachman v Swan Harbour Ass'n*, 252 Mich App 400, 430; 653 NW2d 415 (2002).

Next, we consider whether this dispositional ruling leaves us with the firm conviction that, in light of the facts and circumstances, the distribution was unfair or inequitable. See *Sands v Sands*, 442 Mich 30, 34; 497 NW2d 493 (1993); *Sparks, supra* at 151-152. We conclude that it was neither. After considering this issue in great detail, including an extensive review of the

record and findings of fact, we conclude that the approximate 20% increase in plaintiff's entitlement to defendant's military pension was fair and equitable.

Affirmed.

/s/ Donald E. Holbrook, Jr.

/s/ Mark J. Cavanagh

/s/ Patrick M. Meter